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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,235	05/30/2001	Melvin Diaz	ALPINE.005AUS	8810

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EXAMINER

NGUYEN, CUONG H

ART UNIT PAPER NUMBER

3661

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/870,235	Applicant(s) DIAZ, MELVIN	
	Examiner CUONG H. NGUYEN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the additional drawings submitted on 12/12/2005.

2. Claims 1-25 are pending in this application.

Drawings

3. This application contains 5 sheets of formal drawings with 9 Figures (12/12/05) are acceptable for examination.

Response

4. The examiner changes ground of rejections of claims 1, 5, 8-9, 14, 18, and 22 (from an anticipation rejection to an obvious rejections). The examiner also introduces a restriction requirement in this action.

Election/Restriction

5. The examiner respectfully submits that the election to one of the following inventions is deemed necessary.

6. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7 are drawn to a method of managing a vehicle by wireless communication (note: these claims require only electronically exchange information (please note that “specific” information as claimed are only “non-functional descriptive material that do not effect the claimed steps), not necessary for “a fleet of vehicle”, not require for “renting vehicles”), classified in US class 340, subclass 825.72.

II. Claims 8-25 are drawn to a method of managing rental vehicles by wireless communication, classified in US class 701, subclass 29.

7. The inventions (group I and group II) are distinct by above definitions, each from the other because of the following reasons:
8. Inventions Group I, and Group II are related as using wireless communication for its practice. In this case, (I) confirms that group I is directed to a generic method of a method of managing a vehicle by wireless communication (e.g., monitoring use of mobile cell-phones), not require more detail application as “for a fleet of renting vehicles” of group II.
9. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
10. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1, 5, 8-11, 14, 18, 20-22, and 10-11 are rejected under 35 U.S.C.**

§ 103(a) as being unpatentable over Meunier (Pub. No. US 2002/0186144 A1).

A. As to claims 1, 8, and 18: Meunier suggests a system and a method for automating a vehicle rental process, comprising:

- a vehicle radio transmitter connected to a vehicle navigation system in each rental vehicle (see Meunier, the abstract “The system has a vehicle communications unit for enabling communication to and from the vehicle”, and Figs.1, 3);
- a station radio transmitter connected to a rental facility computer in a rental vehicle facility (see Meunier, Fig.1);
- means for receiving information from a user (i.e., the transmitter/receiver antennas, the communication unit, and the communication medium of a “central reservations” (see Meunier, the abstract), and establishing a rental term which is stored in the rental facility computer (see Meunier, Fig. 8A), and verifying user information when the user arrives at the rental vehicle facility (see Meunier, Fig. 3);
- means for exchanging data by sending the rental term and user information from the rental facility computer to the vehicle navigation system through the radio transmitters and sending current vehicle condition information including mileage and gas level from the vehicle navigation system to the rental facility computer through the radio transmitters (see Meunier, the abstract, OBU 18, and Figs. 3, 8A);

wherein the vehicle navigation system monitors usage of the rental vehicle and stores data relating to the usage of the rental vehicle in a memory and sends the stored data to the rental facility computer through the radio transmitters for calculating a rental fee, thereby- returning the rental vehicle by confirming the usage of the rental vehicle and paying the rental fee by the user (this step is performed by CRMLS, see Meunier, the abstract).

Because Meunier discloses above ideas in a Canadian Patent (application date was May 1, 2001); the date of his filing in the US is improper for a 102(e) rejections.

It would have been obvious with one of ordinary skill in the art at the time of invention was made for Meunier to suggest claimed limitations for the advantage of monitoring activities of a vehicle inventory purposes.

B. As to claims 2-4, 9, 12-13, and 19: The rationales and reference for a rejection of claim 18 are incorporated.

Meunier also suggests a system and a method for automating a vehicle rental process, comprising:

- determines the distance traveled by the rental vehicle and records data relating to the distance in the memory (i.e., “OBU transmits new information to CRMLS”, see Meunier, Fig. 11B); and determines if an accident has occurred and records data relating to the accident in the memory (see Meunier, Fig. 7A).

C. As to claims 5, 14, and 22: Meunier also teaches about utilizing a wireless transceiver based on Bluetooth standard for a radio transmitter (see Meunier, para.[0027], and para. [0163]).

D. As to claims 10, and 20: The rationales and reference for a rejection of claim 19 are incorporated.

Meunier also suggests a system and a method for automating a vehicle rental process, comprising: transmitting and receiving information, including vehicle’s accident info. (i.e., location and time, see Meunier, Fig. 7A).

Meunier does not expressly disclose about a destination of the rental vehicle before the accident.

However, this is only extra “non-functional printed material” information that do not change the system, or change any step suggested by Meunier.

It would have been obvious with one of ordinary skill in the art at the time of invention to add extra information in addition to information already taught by Meunier for the advantage of clarifying a travel direction/purpose of a renter because these extra information may be used for insurance purposes.

E. As to claim 21: The rationales and reference for a rejection of claim 19 are incorporated.

Meunier does not expressly disclose about detecting a signal from an air bag sensor indicating a deployment of air bags, and records the data concerning a location and time of the accident and destination of the rental vehicle before the accident.

However, deploying an airbag activates a signal, that signal normally suggests an accident event is recorded as shown in above-analyzed claim 20; therefore, the same rationale and reference set forth are applied herein for an obvious rejection.

F. As to claim 11: This claim's limitations are covered in claims 20-21; therefore, similar rationales and reference(s) set forth are also applied again for an obviousness rejection.

12. Claims 6, 15, 17, 23, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meunier (Pub. No. US 2002/0186144 A1), in view of Schofield (Pub. No. US 2002/0003571).

The rationales and reference for a rejection of claim 18 are incorporated.

Meunier does not disclose the radio transmitter in the rental vehicle or in the rental vehicle facility is a wireless transceiver based on IEEE 802.11b standard.

However, Schofield et al. suggest that idea (see Schofield et al., para. [0545]).

Meunier does not disclose his system is provided with a Bluetooth transceiver- using a 2.45GHz frequency band and a mobile telephone enabled with Bluetooth protocol.

However, Schofield et al. suggest that idea (see Schofield et al., para[0321]).

It would have been obvious with one of ordinary skill in the art at the time of invention to implement Meunier's patent with Schofield et al.'s idea for using a Bluetooth transceiver - using a 2.45GHz frequency band and a mobile telephone enabled with Bluetooth protocol for the advantage of incorporating low-energy circuitry and components to provide secure communication that is robust against deliberate and unintentional interference.

13. Claims 7, 16, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meunier (Pub. No. US 2002/0186144 A1), in view of Gelvin et al. (US Pat. 6,735,630).

The rationales and reference for a rejection of claim 18 are incorporated.

Meunier does not disclose that a radio transmitter is a wireless transceiver based on Home RF standard.

However, Gelvin et al. suggest that idea for home applications e.g., WINS NG and PicoWINS networks (see Gelvin et al., col. 67 lines 55-67).

It would have been obvious with one of ordinary skill in the art at the time of invention to implement Meunier's patent with Gelvin et al.'s idea for the advantage of incorporating low-energy circuitry and components to provide secure communication that is robust against deliberate and unintentional interference.

Conclusion


14. Claims 1-25 are not patentable.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661